

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Isaiah J. FIDLER  
Corazon D. BUCANA

Serial No.: 10/010,763

Filed: November 2, 2001

For: METHODS FOR DETECTING THE  
EFFICACY OF ANTICANCER  
TREATMENTS

Group Art Unit: 1642

Examiner: UNGAR, Susan

Atty. Dkt. No.: UTSC:684US

Confirmation No.: 2999

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being  
electronically filed with the United States Patent and  
Trademark Office via EFS-Web on the date below.

February 18, 2008

Date

David L. Parker

**RESPONSE TO NOTICE OF NON-COMPLIANT  
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This paper is submitted in response to the Notice of Non-Compliant Information Disclosure Statement, dated February 1, 2008. The Notice states the Information Disclosure Statement filed July 21, 2006 fails to meet the requirements of 37 C.F.R. § 1.97(d) because it lacks a statement as specified in 37 C.F.R. § 1.97(e). However, Applicants contend this Notice was sent in error as a statement as specified in 37 C.F.R. § 1.97(e) was not required. Applicants did not file an Information Disclosure Statement on July 21, 2006, but merely resubmitted

Information Disclosure Statements previously filed because the documents were never signed off by an Examiner.

Two of the three resubmitted Information Disclosure Statements were filed before the mailing of a first Office Action on the merits, specifically February 7, 2002 and July 24, 2002, and hence are believed to be timely filed in accordance with 37 C.F.R. § 1.97(b).

The third resubmitted Information Disclosure Statement was filed March 9, 2005, after receipt of a non-final office action, but before the mailing date of a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution. This Information Disclosure Statement was accompanied by the fee set forth in 37 C.F.R. § 1.17(p) to comply with the requirements of 37 C.F.R. § 1.97(c).

Applicants request the Information Disclosure Statements and Forms PTO-1449 resubmitted on July 21, 2006 be reviewed and approved, as they complied with 37 C.F.R. § 1.97. The Examiner is invited to contact the undersigned attorney with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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Date: February 18, 2008